

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHANIE BUTLER :
 :
 : ORDER
Plaintiff, :
 : 23 Civ. 8984 (GWG)
-v.- :
 :
UNITED STATES OF AMERICA :
 :
 :
Defendant. :
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

As discussed at the oral argument held today, there is a strong possibility that discovery obtained in the State court action will materially affect the plaintiff's application for jurisdictional discovery in this action. Accordingly, plaintiff is directed to file a letter on or before November 9, 2024, describing any testimony adduced in the State court action as to the wooden block at issue in this case. The letter shall also describe the nature of any documents produced by defendant since the briefing of the motion. Defendant may respond by letter 7 days after the filing of plaintiff's letter.

Also, on or before November 9, 2024, plaintiff shall file a letter attaching the photographs that were presented at oral argument.

Because any ruling on the motion to dismiss and plaintiff's application may be affected by the State court discovery and defendant's production of additional documents, the Court deems the pending motion to dismiss (Docket # 31) withdrawn. Defendant may reinstate that motion at any time by letter filed on ECF.

SO ORDERED.

Dated: September 26, 2024
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge